

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MATTEL, INC.,

Plaintiff,

-v-

27GARDEN, ABC TOYS DROP SHIPPING
STORE, ALISO STORE, BESTHOME888,
BLUE_SPORTS, BRHOME STORE,
CHILDHOOD WORLD TOY STORE, CUP0830,
DORIS HOME, FUNNYCHOOD STORE,
GOODHG, HOME OF STARRY NIGHT STORE,
HOMEBETTER2022, HOMEGARDEN1, JOY-
TOYS DROP SHIPPING STORE,
LIANGJINGJING_HOME, LIFE MALL,
LILIAN_WHOLESALE, LITTLESTOOL
SWEETHOME STORE, LOVELY MOMENT
STORE, LOVESTORE0830,
MAINLANDGOODS STORE, MATTEL TOYS
STORE, MATTELS TOY WORLD STORE, P97I,
POPULAR_TOY, RICHFLYS.STORE a/k/a
PENNYUS.SHOP, SHENZHEN JIEJIE GAO
INFORMATION TECHNOLOGY CO., LTD.,
SHOP1102219102 STORE, SHOP1102352055
STORE, SHOPPINGMALL777, SIMPLE MIND
STORE, SPECIAL_SALE,
SUBLIMATION_STORE a/k/a ESW_HOME2,
SUPERMARKET_TOY,
TAIYUANZHAOLEIXINXIJIISHUYOUXIANGO
NGSI, TAKARA TOMY RZ TOYS STORE, THE
GIRL NEXT DOOR TRADING CO., LTD, THE
SEA FOR STORE, TOMY TOYS STORE, TOP
SHOP, TOY KINGDOM STORE,
US_PENNSYLVANIA, VINCENT BESTCHOICE
STORE and XREA,

Defendants.

**1) TEMPORARY RESTRAINING
ORDER; 2) ORDER
RESTRAINING MERCHANT
STOREFRONTS AND
DEFENDANTS' ASSETS WITH
THE FINANCIAL
INSTITUTIONS; 3) ORDER TO
SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE; 4) ORDER
AUTHORIZING BIFURCATED
AND ALTERNATIVE SERVICE;
AND 5) ORDER AUTHORIZING
EXPEDITED DISCOVERY**




22 Civ. 9842 (JPC)

FILED UNDER SEAL

GLOSSARY

<u>Term</u>	<u>Definition</u>
Plaintiff or Mattel	Mattel, Inc.
Defendants	27garden, ABC Toys Dropshipping Store, Aliso Store, besthome888, blue_sports, brhome Store, Childhood world toy Store, cup0830, Doris Home, FunnyCHood Store, goodHG, Home of Starry Night Store, Homebetter2022, homegarden1, Joy-Toys Dropshipping Store, liangjingjing_home, Life Mall, lilian_wholesale, LittleStool Sweethome Store, Lovely Moment Store, lovestore0830, MainlandGoods Store, Mattel toys Store, Mattels Toy World Store, p97i, popular_toy, richflys.store a/k/a pennyus.shop, Shenzhen Jiejie Gao Information Technology Co., Ltd., Shop1102219102 Store, Shop1102352055 Store, shoppingmall777, Simple Mind Store, special_sale, sublimation_store a/k/a Esw_home2, supermarket_toy, taiyuanzhaoleixinxijishuyouxiangongsi., TAKARA TOMY RZ Toys Store, The Girl Next Door Trading Co., Ltd, The sea for Store, Tomy Toys Store, TOP SHOP, TOY KINGDOM Store, us_pennsylvania, Vincent BestChoice Store and xrea
AliExpress	Aliexpress.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York
Amazon	Amazon.com, a Seattle, Washington-based, online marketplace and e-commerce platform owned by Amazon.com, Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York
DHgate	Dunhuang Group d/b/a DHgate.com, an online marketplace and e-commerce platform which allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their wholesale and retail products originating from China directly to consumers worldwide and specifically to consumers residing in the U.S., including New York
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiff
New York Address	244 Madison Ave, Suite 411, New York, NY 10016
Complaint	Plaintiff's instant Complaint

	similar to the Barbie Products
Defendants' Websites	Any and all fully interactive websites held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them, that use the Barbie Marks and/or Mattel Marks, that they operate to communicate with consumers regarding their Counterfeit Products and/or through which consumers purchase Counterfeit Products for delivery in the U.S.
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as AliExpress, DHgate as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Infringing Listings	Defendants' listings for Counterfeit Products
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any of Defendants' Websites, Defendants' User Accounts or Defendants' Merchant Storefronts (whether said accounts are located in the U.S. or abroad)
Financial Institutions	PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), the Alibaba Group d/b/a Alibaba.com payment services (e.g., Alipay.com Co., Ltd., Ant Financial Services Group), Amazon.com, Inc., Amazon Payments, Inc. ("Amazon Pay"), DHgate (e.g., DHpay.com) and PingPong Global Solutions, Inc. ("PingPong")
Third Party Service Providers	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by AliExpress, Amazon, DHgate as well as any and all as yet undiscovered online marketplace platforms, Internet Service Providers ("ISP"), back-end service providers, web designers, merchant account providers, website hosts such as Cloudflare, Inc., ShopBase and Dynadot, domain name registrars, domain name registries, shipping, fulfillment and warehousing

Application	Plaintiff's <i>ex parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Defendants' Websites, Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery
Moore Dec.	Declaration of Michael Moore in Support of Plaintiff's Application
Nastasi Dec.	Declaration of Gabriela N. Nastasi in Support of Plaintiff's Application
Mattel Products	Plaintiff's children's toys, games, playthings, and other products, and/or its sub-brands, including, but not limited to: Barbie, UNO, LOL, KidKraft, Thomas & Friends, Hot Wheels, Power Wheels, American Girl and Fisher-Price
Barbie	A fashion doll
Barbie Products	A range of commercial products including dolls, playhouses, toy cars, books, movies, games, puzzles and clothing sold under the Barbie brand
Mattel Marks	U.S. Trademark Registration Nos.: 3,165,874 for "MATTEL" for "retail store services for a full line of toys and children's products" in Class 35; and 898,209 for  for "toys" in Class 28.
Barbie Marks	U.S. Trademark Registration Nos.: 689,055 for "BARBIE" for a variety of goods in Class 28; 2,678,386 for "BARBIE" for a variety of goods in Classes 3, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28 and 30; 2,087,842 for "  "  " for a variety of goods in Class 25 and 28
Plaintiff's Website	Barbie's fully interactive website, located at http://www.barbie.mattel.com and Mattel's fully interactive website, located at http://www.mattel.com
Counterfeit Products	Defendants' products advertised, offered for sale and/or sold by Defendants via Defendants' Websites and Defendants' Merchant Storefronts (as defined <i>infra</i>), which use the Barbie Marks and/or Mattel Marks and/or products in packaging and/or containing labels bearing the Barbie Marks and/or Mattel Marks and/or bearing or used in connection with marks that are confusingly similar to the Barbie Marks and/or Mattel Marks and/or products that are identical or confusingly

	service providers and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise
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On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining Defendants' Websites, Defendants' Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service; and 5) an order authorizing expedited discovery against Defendants, Third Party Service Providers and Financial Institutions in light of Defendants' intentional and willful counterfeiting and infringement of the Barbie Marks and Mattel Marks.¹ Having reviewed the Application, Declarations of Michael Moore and Gabriela N. Nastasi along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Mattel, through its family of companies, is a designer, developer, marketer, manufacturer and distributor of its children's toys and games offered under its brands, such as Barbie, Hot Wheels, Fisher-Price, American Girl, UNO and Thomas & Friends.

2. Since its founding in the late 1950's, Mattel has created Mattel Products.

3. Mattel sells its Mattel Products worldwide through major retailers, toy stores and online marketplaces, including, but not limited to: Wal-Mart, Target, Walgreens, Amazon and many others.

4. One of Mattel's brands is Barbie, a doll.

5. While Plaintiff has gained significant common law trademark and other rights in the Barbie brand through use, advertising, and promotion, Mattel has also protected these valuable rights by filing for and obtaining federal trademark registrations.

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

6. For example, Plaintiff is the owner of a number of US Trademark Registrations for BARBIE or BARBIE formative marks, including but not limited to U.S. Trademark Reg. Nos.: 689,055 for “BARBIE” for a variety of goods in Class 28; 2,678,386 for “BARBIE” for a variety of goods in Classes 3, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28 and 30; 2,087,842 for “



” for a variety of goods in Class 28; 2,639,971 for “



” for a variety of goods in Class 25 and 28.

7. The Barbie Marks are currently in use in commerce in connection with the Barbie Products.

8. The Barbie Marks are valid, subsisting and many are incontestable.

9. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling Counterfeit Products through Defendants’ Websites and Defendants’ Merchant Storefronts.

10. Defendants are not, nor have they ever been, authorized distributors or licensees of the Barbie Products. Plaintiff never consented to Defendants’ use of the Barbie Marks and/or Mattel Marks, nor has Plaintiff consented to Defendants’ use of any identical or confusingly similar marks.

11. Plaintiff is likely to prevail on its Lanham Act and related common law claims at trial.

12. As a result of Defendants’ infringements, Plaintiff, as well as consumers, are likely to suffer immediate and irreparable losses, damages and injuries before Defendants can be heard in opposition, unless Plaintiff’s Application for *ex parte* relief is granted:

- a. Defendants have offered for sale and/or sold substandard Counterfeit Products that infringe the Barbie Marks and Mattel Marks, without Plaintiff’s authorization;

- b. Plaintiff has well-founded fears that more of Defendants' Websites, Defendants' Merchant Storefronts and Defendants' Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of Defendants' Counterfeit Products, resulting in injury to Plaintiff's reputation and goodwill; and that Plaintiff may suffer loss of sales for its Barbie Products; and
- c. Plaintiff has well-founded fears that if it proceeds on notice to Defendants on this Application, Defendants will: (i) secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from Defendants' Websites, Defendants' Merchant Storefronts and/or Defendants' Counterfeit Products or other products that infringe the Barbie Marks and/or Mattel Marks, and records relating thereto that are in their possession or under their control; (ii) secret, conceal, destroy, alter, sell-off, transfer or otherwise dispose of or deal with Counterfeit Products or other goods that infringe the Barbie Marks and Mattel Marks, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (iii) inform suppliers and others of Plaintiff's claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products infringing the Barbie Marks and Mattel Marks, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, and/or (iv) change the host of Defendants' Websites and/or create new websites and/or new domain names through which Defendants will continue to offer for sale and sell Counterfeit Products with little to no consequence.

13. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far

outweighed by the potential harm to Plaintiff, its business, the goodwill and reputation built up in and associated with the Barbie Marks and Mattel Marks and to its reputation if a temporary restraining order is not issued.

14. Public interest favors issuance of a temporary restraining order in order to protect Plaintiff's interests in and to its Barbie Marks and/or Mattel Marks, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as Barbie Products.

15. Plaintiff has not publicized its request for a temporary restraining order in any way.

16. Service on Defendants via electronic means is reasonably calculated to result in proper notice to Defendants.

17. If Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their use, infringement, and counterfeiting of the Barbie Marks and/or Mattel Marks, and sales of Counterfeit Products or other goods infringing the Barbie Marks and/or Mattel Marks. Therefore, good cause exists for granting Plaintiff's request for an asset restraining order. It typically takes the Financial Institutions a minimum of five (5) days after service of the Order to locate, attach and freeze Defendants' Assets and/or Defendants' Financial Accounts. As such, the Court allows enough time for Plaintiff to serve the Financial Institutions and Third Party Service Providers with this Order, and for the Financial Institutions and Third Party Service Providers to comply with the Paragraphs I(B)(1) through I(B)(2) and I(C)(1) through I(C)(2) of this Order, respectively, before requiring service on Defendants.

18. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiff the records and documents relating to Defendants' Websites and/or Defendants' manufacturing, importation, exportation, advertising,

marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products. Therefore, Plaintiff has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiff's Application is hereby **GRANTED** as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this Order, and for such further period as may be provided by order of this Court:

- 1) manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products, or any other products bearing the Barbie Marks and/or Mattel Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Barbie Marks and/or Mattel Marks;
- 2) directly or indirectly infringing in any manner Plaintiff's Barbie Marks and Mattel Marks;
- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Barbie Marks and Mattel Marks to identify any goods or services not authorized by Plaintiff;
- 4) using Plaintiff's Barbie Marks and Mattel Marks and/or any other marks that are confusingly similar to the Barbie Marks and Mattel Marks, on or in connection with Defendants' manufacturing, importation, exportation, advertising, marketing, promotion, distribution, offering for sale, sale and/or otherwise dealing in Counterfeit Products;
- 5) using any false designation of origin or false description, or engaging in any action that is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the

public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants, website owned or operated by Defendants, services provided by Defendants and/or Defendants' commercial activities by Plaintiff;

- 6) secreting, concealing, destroying, altering, selling off, transferring and/or otherwise disposing of: (i) Counterfeit Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to Defendants' User Accounts, Merchant Storefronts, Defendants' Websites, Defendants' Assets and/or the manufacturing, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;
- 7) effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order;
- 8) linking, transferring, selling and/or operating Defendants' Websites;
- 9) knowingly instructing any other person or business entity to engage in any of the activities referred to in Subparagraphs I(A)(1) through I(A)(8) above, I(B)(1) through I(B)(2) and I(C)(1) through I(C)(2) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including the Third Party Service Providers and Financial Institutions who satisfy those requirements are hereby restrained and enjoined from engaging in any of the following acts or

public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants, website owned or operated by Defendants, services provided by Defendants and/or Defendants' commercial activities by Plaintiff;

- 6) secreting, concealing, destroying, altering, selling off, transferring and/or otherwise disposing of: (i) Counterfeit Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to Defendants' User Accounts, Merchant Storefronts, Defendants' Websites, Defendants' Assets and/or the manufacturing, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;
- 7) effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order;
- 8) linking, transferring, selling and/or operating Defendants' Websites;
- 9) knowingly instructing any other person or business entity to engage in any of the activities referred to in Subparagraphs I(A)(1) through I(A)(8) above, I(B)(1) through I(B)(2) and I(C)(1) through I(C)(2) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including the Third Party Service Providers and Financial Institutions who satisfy those requirements are hereby restrained and enjoined from engaging in any of the following acts or

through I(C)(2) above.

**II. Order to Show Cause Why A Preliminary Injunction
Should Not Issue And Order Of Notice**

- A. Defendants are hereby ORDERED to show cause before this Court in Courtroom 12D of the United States District Court for the Southern District of New York at 500 Pearl Street New York, New York on December 7, 2022 at 10:30 a.m. or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to Federal Rule of Civil Procedure 65(a), should not issue. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court and served on Plaintiff's counsel by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42nd Street, Suite 2520, New York, NY 10165, Attn: Jason M. Drangel on or before December 1, 2022. Plaintiff shall file any Reply papers on or before December 5, 2022.
- B. IT IS FURTHER ORDERED that Defendants are hereby given notice that failure to appear at the show cause hearing scheduled in Paragraph II(A) above may result in the imposition of a preliminary injunction against them pursuant to Federal Rule of Civil Procedure 65, which may take effect immediately upon the expiration of this Order, and may extend throughout the length of the litigation under the same terms and conditions set forth in this Order.

III. Asset Restraining Order

- A. IT IS FURTHER ORDERED pursuant to Federal Rules of Civil Procedure 64 and 65 and N.Y. C.P.L.R. 6201 and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Financial Institutions shall locate and attach Defendants' Financial Accounts and shall provide written confirmation of such attachment to Plaintiff's counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to Federal Rule of Civil Procedure 4(f)(3), as sufficient cause has been shown, that service of this Order may be made on, and shall be deemed effective as to Defendants if it is completed by the following means:

- 1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, and (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com and via website publication through a specific page dedicated to this Lawsuit accessible through ipcounselorslawsuit.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order to Defendants' e-mail addresses to be determined after having been identified by AliExpress, Amazon and/or DHgate pursuant to Paragraph V(C) or may otherwise be determined; or
- 2) delivery of a message to Defendants through the same means that Plaintiff's agents have previously communicated with Defendants, namely the system for communications established by the Third Party Service Providers on the AliExpress and DHgate platforms, notifying Defendants that an action has been filed against them in this Court and providing a link to a secure website (such as NutStore or a large mail link created through Rmail.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the alternative service of this Order by electronic means ordered in Paragraphs IV(A)(1) – IV(A)(2) herein shall be deemed effective as to Defendants, and the alternative service of this Order by electronic

means ordered in Paragraphs IV(D)(1) – IV(D)(7) herein shall be deemed effective as to the Third Party Service Providers and Financial Institutions throughout the pendency of this action.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within five (5) days of the Financial Institutions and Third Party Service Providers' compliance with Paragraphs III(A) and V(B)-(C) of this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service of this Order may be made and shall be deemed effective as to the following if it is completed by the below means:

- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal Inc. will be able to download a PDF copy of this Order via electronic mail to PayPal Legal Specialist at EEOMALegalSpecialist@paypal.com;
- 2) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where AliPay.com Co., Ltd., Ant Financial Services will be able to download a PDF copy of this Order via electronic mail Mr. Di Zhang, Member of the Legal & Compliance Department – IP, including Joyce Xiang, joyce.xiang@antgroup.com, Ann, wb-wny616059@antgroup.com, and Yuki, wb-yj965636@antgroup.com;
- 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Alibaba will be able to download a PDF copy of this Order via electronic mail to Ms. Rachel Wang, Legal Counsel, Alibaba Group at rachel.wy@alibaba-inc.com and Ms. Yujuan He, Paralegal, Alibaba Group at chloe.he@alibaba-inc.com;
- 4) delivery of: (i) a true and correct copy of this Order via Federal Express to Amazon.com, Inc. at Corporation Service Company 300 Deschutes Way SW, Suite 304, Tumwater, WA

- 98501, (ii) a PDF copy of this Order or (iii) a link to a secure website where Amazon.com, Inc. and Amazon Pay will be able to download a PDF copy of this Order via electronic mail to Deana Ahn counsel for Amazon Pay, at deanaahn@dwt.com;
- 5) delivery of (i) a PDF copy of this Order, or (ii) a link to a secure website where DHgate (including DHPay.com) will be able to download a PDF copy of this Order via electronic mail to Ms. Emily Zhou, Intellectual Property Management, Trust and Safety Department, DHgate at zhouxu@dhgate.com;
- 6) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Payoneer Inc. will be able to download a PDF copy of this Order via electronic mail to Payoneer Inc.'s Customer Service Management at customerservicemanager@payoneer.com and subpoenas@payoneer.com and Holly Clancy and Melissa Godwin, counsel for Payoneer Inc., at Holly.Clancy@us.dlapiper.com and Melissa.Godwin@us.dlapiper.com, respectively; and
- 7) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PingPong Global Solutions Inc. will be able to download a PDF copy of this Order via electronic mail to PingPong Global Solutions Inc.'s Legal Department at legal-int@pingpongx.com.

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days after receiving service of this Order, each Defendant shall serve upon Plaintiff's counsel a written report under oath providing:
- a. their true name and physical address;
 - b. the name and location and URL of any and all websites that Defendants own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform

that Defendants own and/or operate;

- c. the complete sales records for any and all sales of Counterfeit Products, including but not limited to number of units sold, the price per unit, total gross revenues received (in U.S. dollars) and the dates thereof;
- d. the complete sales records for any and all sales of Counterfeit Products, including but not limited to number of units sold, the price per unit, total gross revenues received (in U.S. dollars) and the dates thereof;
- e. the account details for any and all of Defendants' Financial Accounts, including, but not limited to, the account numbers and current account balances; and
- f. the steps taken by each Defendant, or other person served, to comply with Section I above.

2) Plaintiff may serve interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York and Defendants who are served with this Order shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Plaintiff's counsel.

3) Plaintiff may serve requests for the production of documents pursuant to Federal Rules of Civil Procedure 26 and 34, and Defendants who are served with this Order and the requests for the production of documents shall produce all documents responsive to such requests within fourteen (14) days of service to Plaintiff's counsel.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order the Financial Institutions served with this Order shall identify any and all of Defendants' Financial Accounts, and provide Plaintiff's counsel with a summary report containing account details for any and all such accounts, which shall include, at a

minimum, identifying information for Defendants, including contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses), account numbers and account balances for any and all of Defendants' Financial Accounts and confirmation of said compliance with this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Third Party Service Providers served with this Order shall identify any and all of Defendants' Websites, User Accounts and Merchant Storefronts and provide Plaintiff's counsel with a summary report, which shall include, at a minimum, identifying information for Defendants and Defendants' Websites, User Accounts and Merchant Storefronts, contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses) and confirmation of said compliance with this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

1) Within fourteen (14) days of receiving actual notice of this Order, all Financial Institutions who are served with this Order shall provide Plaintiff's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of Defendants' Financial Accounts, including, but not limited to, documents and records relating to:

- a. account numbers;
- b. current account balances;
- c. any and all identifying information for Defendants, Defendants' Websites, User Accounts and/or Merchant Storefronts including, but not limited to, names, addresses and contact information;
- d. any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents and if a business

entity, any and all business documents provided for the opening of each and every of Defendants' Financial Accounts;

- e. any and all deposits and withdrawals during the previous year from each and every one of Defendants' Financial Accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks and account statements; and
- f. any and all wire transfers into each and every one of Defendants' Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receipt of service of this Order, the Third Party Service Providers served with this Order shall provide to Plaintiff's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to Defendants' Websites, including, but not limited to, documents and records relating to:
 - a. account details, including, without limitation, identifying information and URLs, User Accounts and Merchant Storefronts for any and all accounts or websites that Defendants have ever had and/or currently maintain with the Third Party Service Providers that were not previously provided pursuant to Paragraph V(C);
 - b. the identities, location and contact information, including any and all e-mail addresses of Defendants that were not previously provided pursuant to Paragraph V(C);
 - c. the nature of Defendants' businesses and operations, methods of payment, methods

for accepting payment and any and all financial information, including, but not limited to, information associated with Defendants' User Accounts, Merchant Storefronts and Defendants' Websites, a full accounting of Defendants' sales history and listing history under such accounts and Defendants' Financial Accounts with any and all Financial Institutions associated with Defendants' Websites, User Accounts and Merchant Storefronts; and

- d. Defendants' manufacturing, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products, or any other products bearing the Barbie Marks and/or Mattel Marks and/or marks that are confusingly similar to, identical to and constitute an infringement of the Barbie Marks and/or Mattel Marks.

VI. Security Bond

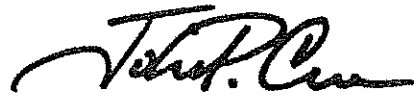
- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of five-thousand Dollars (\$5,000) with the Court, which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.

VII. Sealing Order

- A. IT IS FURTHER ORDERED that Plaintiff's Complaint and exhibits attached thereto, and Plaintiff's *ex parte* Application and the Declarations of Michael Moore and Gabriela N. Nastasi in support thereof and exhibits attached thereto and this Order shall remain sealed until further order.

SO ORDERED.

SIGNED this 23rd Day of November, 2022, at 9:00 a.m.

A handwritten signature in black ink, appearing to read "John P. Cronan", written in a cursive style.

JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE

Schedule A

Item	Product	Product Name	Product URL
1	DHGate	27gan den	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/807890385.html
2	AliExpress	ABC Toys Droshipping Store	https://www.aliexpress.us/item/3256804577984984.html
3	AliExpress	Aliso Store	https://www.aliexpress.us/item/3256804606038847.html
4	DHGate	besthome888	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/812030214.html
5	DHGate	blue_sports	https://www.dhgate.com/product/party-favor-collecton-gift-party-toy-11-5inch/812147849.html
6	DHGate	brimone Store	https://www.aliexpress.us/item/3256804272516276.html
7	AliExpress	Childhood world toy Store	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/803764048.html
8	DHGate	cud0830	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/809491473.html
9	DHGate	Doris Home	https://www.aliexpress.us/item/3256804611773988.html
10	AliExpress	FunnyChood Store	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/808819248.html
11	DHGate	goodHG	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/811360185.html
12	AliExpress	Home of Starry Night Store	https://www.aliexpress.us/item/3256804628810514.html
13	DHGate	Homebetter2022	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/811360185.html
14	DHGate	homegardent1	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/808817312.html
15	AliExpress	Joy-Toys Droshipping Store	https://www.aliexpress.us/item/3256804656934748.html
16	DHGate	langlingling_home	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/806615715.html
17	DHGate	Life Mail	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/808891571.html
18	DHGate	lilan_whoalese	https://www.dhgate.com/product/baby-push-dolls-united-kingdom-queen-elizabeth-813821272.html
19	AliExpress	LittleStool SweetHome Store	https://www.aliexpress.us/item/3256804658731346.html
20	AliExpress	Lovely Moment Store	https://www.aliexpress.us/item/325680463244725.html
21	DHGate	lovestore0830	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/811130539.html
22	AliExpress	MainlandGoods Store	https://www.aliexpress.us/item/3256804631645371.html
23	AliExpress	Mattel toys Store	https://www.aliexpress.us/item/325680455932769.html
24	AliExpress	Mattels Toy World Store	https://www.aliexpress.us/item/325680423700705.html
25	DHGate	popular_toy	https://www.dhgate.com/product/baby-toy-united-kingdom-queen-elizabeth-817536834.html
26	DHGate	richflvs.store a/k/a pennyus.shop	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/812098542.html
27	website	Shenzhen JieJie Gao Information Technology Co., Ltd.	https://richflvs.store/products/queen
28	website	N/A	N/A
29	AliExpress	Shop1102219102 Store	https://www.aliexpress.us/item/325680469552286.html
30	AliExpress	Shop1102352055 Store	https://www.aliexpress.us/item/3256804644085634.html
31	DHGate	Shoppingmail777	https://www.dhgate.com/product/baby-toy-united-kingdom-queen-elizabeth-817536834.html
32	AliExpress	Simple Mind Store	https://www.aliexpress.us/item/3256804628832760.html
33	DHGate	special_sale	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/809251515.html
34	DHGate	sublimation_store a/k/a Esw_home2	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/813010938.html
35	DHGate	supermarket_toy	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/812029608.html
36	Amazon	taiyuanzhaoxinjishuyouxiangongsi.	https://www.amazon.com/dp/B08FHC9RDR
37	AliExpress	TAKARA TOMY RZ Toys Store	https://www.aliexpress.us/item/325680451740864.html
38	AliExpress	The Girl Next Door Trading Co., Ltd	https://www.aliexpress.us/item/3256804541181621.html
39	AliExpress	The sea for Store	https://www.aliexpress.us/item/3256804605793887.html
40	AliExpress	Tomy Toys Store	https://www.aliexpress.us/item/3256804611213302.html
41	DHGate	TOP SHOP	https://www.dhgate.com/product/collecton-barbie-gift-party-toy-11-5inch/808887213.html
42	AliExpress	TOY KINGDOM Store	https://www.aliexpress.us/item/325680460817560.html
43	DHGate	us_pennsylvania	https://www.dhgate.com/product/action-2022-queen-elizabeth-ii-platinum-jubilee/813044061.html
44	AliExpress	Vincent BestChoice Store	https://www.aliexpress.us/item/3256804628978712.html
45	DHGate	xrea	https://www.dhgate.com/product/baby-toy-united-kingdom-queen-elizabeth-817570424.html